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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/276,598	03/25/1999	DENISON W. BOLLAY	D-1507	2319
49147	7590	12/13/2007		
OWEN L. LAMB			EXAMINER	
P.O. BOX 386			HAQ, NAEEM U	
PRESCOTT, AZ 86302-0386			ART UNIT	PAPER NUMBER
			3625	
			MAIL DATE	DELIVERY MODE
			12/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 09/276,598	Applicant(s) BOLLAY, DENISON W.	
	Examiner Naeem Haq	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12, 18, 19, 21-30 and 130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 18, 19, 21-30 and 130 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____ |
|---|--|

DETAILED ACTION

In view of the appeal brief filed on August 28, 2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

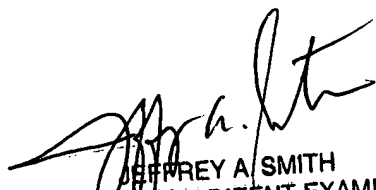
To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Jeffrey A. Smith, SPE
AU 3625



JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Claim Objections

Claims 21 and 22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims are dependent on a claim that does not exist (i.e. claim 20).

Claim 130 is objected to because of the following informalities: The numbering of this claim is improper because this claim should be numbered as claim 10. Appropriate correction is required.

Claims 13-17 are objected to because of the following informalities: Claims 13-17 were canceled by the Applicant in a previous amendment. However, CFR §1.121 clearly states *"In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered)."* In the present case, the Applicants need to list claims 13-17 with the status identifier "Canceled" in order for any future amendments to be considered proper (see CFR 1.121(c)). Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 9, 12, 21, 22, and 130 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 3: This claim is dependent on claim 1 and recites the limitation "...said step of forwarding said combined purchased order information from said hub server **to said particular buyer...**" (emphasis added). However, claim 1 recites the step of forwarding a purchase order to "**a vendor**". There is no corresponding limitation of forwarding a purchase order to a "**particular buyer**" as recited in claim 3. Therefore, the limitation of forwarding a purchase order from the server to a buyer lacks antecedent basis.

Referring to claim 4: This claim is dependent on claim 2 and recites the limitation "...said step of forwarding said combined purchased order information from said hub server **to said particular buyer...**" (emphasis added). However, claim 2 recites the step of forwarding a purchase order to "**a vendor**". There is no corresponding limitation of forwarding a purchase order to a "**particular buyer**" as recited in claim 4. Therefore, the limitation of forwarding a purchase order from the server to a buyer lacks antecedent basis.

Referring to claim 9: This claim is dependent on claim 7 and recites the limitation "...said step of forwarding said combined purchased order information from said hub

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server **to said particular buyer...** (emphasis added). However, claim 7 recites the step of forwarding a purchase order to "**a vendor**" There is no corresponding limitation of forwarding a purchase order to a "**particular buyer**" as recited in claim 9. Therefore, the limitation of forwarding a purchase order from the server to a buyer lacks antecedent basis.

Referring to claim 12: Claim 12 is dependent on claim 10. However, the examiner cannot find claim 10 in the application. Therefore, the scope of claim 12 is unclear to the examiner because it is dependent on a claim that does not exist. For examination purposes the examiner will assume that claim 12 is dependent on claim 130.

Referring to claims 21 and 22: These claims are dependent on claim 20. However there is no claim 20 in the application. The scope of claims 21 and 22 is unclear to the examiner because claim 20 is missing. For examination purposes, the examiner will assume that claims 21 and 22 are dependent on claim 19.

Referring to claim 130: This claim is dependent on claim 8 and recites the limitation "...said step of forwarding said combined purchased order information from said hub server **to said particular buyer...**" (emphasis added). However, claim 8 recites the step of forwarding a purchase order to "**a vendor**" There is no corresponding limitation of forwarding a purchase order to a "**particular buyer**" as recited in claim 130. Therefore, the limitation of forwarding a purchase order from the server to a buyer lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-9, 18, and 130 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. (US 6,029,141) ("Bezos") in view of Wiecha (US 5,870,717).

Referring to claim 1: Bezos teaches a method of processing multiple electronic transactions at a hub server comprising:

- Maintaining a vendor product information database of product information (*Figure 1, "136"*) at said hub server (*Figure 1, "132"*);
- Said product information being accessible by a number of affiliate web sites (*col. 6, lines 31-35, line 59 – col. 7, line 20*);
- Maintaining an affiliate web site database at said hub server (*Figure 1, "160"; Figure 5, "160"*);
- Maintaining a buyer profile database of buyer information of one or more buyers, including a particular buyer, at said hub server (*Figure 1, "148"*);
- Combining stored buyer information of said particular buyer with product selection from one of said affiliate sites upon a condition that a 'purchase request of said particular buyer is received, resulting in combined

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purchase order information being sent to the hub server (*col. 7, lines 21-30; col. 14, lines 1-11*).

Bezos does not teach forwarding said combined purchase order information from said hub server to a vendor. However, Wiecha teaches ordering items over a computer network by using electronic purchase orders that are forwarded to a vendor via a server (*col. 9, lines 47-53*). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Wiecha into the invention of Bezos. One of ordinary skill in the art would have been motivated to do so in order to have the server facilitate the transaction on behalf of the client.

Referring to claim 2: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Bezos teaches that the particular buyer information is stored in said buyer profile database during a first purchase by said particular buyer at an affiliate web site (*col. 8, lines 26-28; col. 13, lines 54-58*).

Referring to claim 3: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Bezos teaches dynamically creating computer code needed to submit a purchase request upon a condition that said particular buyer selects a submit icon displayed on a web page; and, inserting said computer code into said web page with a tag (*col. 12, lines 14-26*).

Referring to claim 4: The cited prior art teaches or suggests all the limitations of claim 2 as noted above. Furthermore, Bezos teaches dynamically creating computer code needed to submit a purchase request upon a condition that said particular buyer

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selects a submit icon displayed on a web page; and, inserting said computer code into said web page with a tag (*col. 12, lines 14-26*).

Referring to claim 7: Claim 7 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 8: Claim 8 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 9: Claim 8 is rejected under the same rationale as set forth above in claim 3.

Referring to claim 18: Claim 18 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 130: Claim 8 is rejected under the same rationale as set forth above in claim 4.

Claims 5, 6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. (US 6,029,141) (“Bezos”) in view of Wiecha (US 5,870,717) and further in view of Chen et al. (US 6,668,354 B1) (“Chen”).

Referring to claims 5 and 6: The cited prior art teaches or suggests all the limitations of claims 3 and 4 as noted above. Furthermore, Bezos teaches that the computer code is HTML (*col. 4, lines 64-67; col. 5, lines 15-40*). The cited prior art does not teach JavaScript. However, Chen teaches using JavaScript in response to a purchase order (*col. 1, lines 13-24; col. 5, lines 13-25*). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chen into the cited prior art. One of ordinary skill in the art

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would have been motivated to do so in order to allow the different parties in the transaction to create their own display style sheets as taught by Chen (*col. 1, lines 19-24*).

Referring to claims 11 and 12: Claims 11 and 12 are rejected under the same rationale as set forth above in claims 5 and 6 respectively.

Claims 19 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. (US 6,029,141) (“Bezos”) in view of Wiecha (US 5,870,717) and further in view of Hartman et al. (US 5,960,411) (“Hartman”).

Referring to claims 19, 21, and 22: Bezos teaches a method of enabling multiple and different remote Internet resident affiliate web sites to allow users to effect purchases at a separate vendor web site comprising:

A. Storing, in a database at a hub server, specific buyer information (*Figure 1, “148”*);

B. Generating a number of templates, each template corresponding to a product (or product category) to be displayed on an affiliate web page (*col. 11, line 43 – col. 12, line 14; Figure 6, “600”, “602”, “604”*);

C. Receiving at said hub server, a cookie, said cookie identifying a prospective buyer, said affiliate site, said product and optionally said vendor site (*col. 5, lines 55-60; col. 8, lines 17-31; col. 13, line 42 – col. 14, line 11; col. 15, lines 5-16*);

D. Dynamically creating a <FORM> including all information necessary to effect a purchase transaction (*Figure 10c; col. 12, lines 14-26*);

E. Returning a picture of said product with a submit image and said to said particular user (*Figures 6 and 8*).

Bezos also teaches allowing a customer to proceed to a check-out area to order the products from the shopping cart (*col. 12, lines 22-26*) ("...upon condition said <FORM> is submitted to said hub server.") Bezos does not teach forwarding a purchase request for said product to be shipped to said buyer to a vendor. However, Wiecha teaches ordering items over a computer network by using electronic purchase orders that are forwarded to a vendor via a server (*col. 9, lines 47-53*). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Wiecha into the invention of Bezos. One of ordinary skill in the art would have been motivated to do so in order to have the server facilitate the transaction on behalf of the client. Bezos does not teach that the buyer information includes billing and shipping information. However, Hartman teaches a method for placing a purchase order over a network that collects and stores sufficient purchaser information to complete an order (*col. 5, lines 17-20*). The examiner notes that shipping and billing information are necessary to complete an online order otherwise the merchant would not be able to bill the customer for the product or ship the product to the customer. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teaching of Hartman into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow the online merchant to complete an order.

Referring to claims 23-30: Claims 23-30 are rejected under the same rationale as set forth above in claim 19.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 29, 2007

A handwritten signature in black ink, appearing to read 'Naeem Haq', with a large, stylized initial 'N'.

**NAEEM HAQ
PRIMARY EXAMINER**